

Kendall D. Steele (State Bar No. 012367)
Brett Steele (State Bar No. 034716)
WRIGHT, WELKER & PAUOLE, P.L.C.
10429 S. 51st Street, #285
Phoenix, AZ 85044
(480) 961-0040
e-mails: ksteele@wwpfirm.com
bsteele@wwpfirm.com

Attorneys for Defendant Leizza Alcantara Adams

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Jane Doe I; Jane Doe II; and John Doe, by and
through conservator, Fleming and Curti, PLLC,

Plaintiffs,

-vs-

Leizza Alcantara Adams, an unmarried person,

Defendant.

No. 4:23-cv-00190-SHR

**DEFENDANT'S ANSWER TO
PLAINTIFFS' COMPLAINT**

Defendant Leizza Alcantara Adams ("Defendant"), for her Answer to Plaintiffs' Complaint, hereby admits, denies, and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Defendant admits, upon information and belief, the allegations contained in paragraph 1.
2. Defendant admits the allegations contained in paragraph 2.
3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 and, therefore, denies the allegations.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 and, therefore, denies the allegations.
5. Answering paragraph 5, Defendant does not object to a tier 3 designation

1 for the purposes of removal to this court.

2 **GENERAL ALLEGATIONS**

3 6. Answering paragraph 6 of Plaintiffs' Complaint, Jane Does I & II and John
4 Doe, are the biological children of the Defendant and Paul Adams (deceased).

5 7. Defendant admits the allegations of paragraph 7.

6 8. Defendant admits the allegations of paragraph 8.

7 9. Answering paragraph 9, Defendant admits only that a search warrant was
8 executed at her home on or about February 8, 2017. Defendant lacks knowledge or
9 information sufficient to form a belief as to the truth of the remaining allegations of
10 paragraph 9 and, therefore, denies the remaining allegations.
11

12 10. Defendant admits the allegations of paragraph 10.

13 11. Defendant admits the allegations of paragraph 11.

14 12. Defendant admits the allegations of paragraph 12.

15 13. Defendant lacks knowledge or information sufficient to form a belief as to
16 the truth of the allegations of paragraph 13 and, therefore, denies the allegations.
17

18 14. Defendant admits she did not report Paul Adams' abuse of Jane Doe I to
19 law enforcement or to child protective services. Defendant denies the remaining
20 allegations of paragraph 14.
21

22 15. Defendant lacks knowledge or information sufficient to form a belief as to
23 the truth of the allegations of paragraph 13 and, therefore, denies the allegations.
24

25 16. Defendant lacks knowledge or information sufficient to form a belief as to
26 the truth of the allegations of paragraph 13 and, therefore, denies the allegations.
27
28

COUNT 1

Negligent Infliction of Emotional Distress

17. Defendant incorporates paragraphs 1-16 above.
18. Defendant denies the allegations of paragraph 18.
19. Defendant denies the allegations of paragraph 19.

COUNT 2

Intentional Infliction of Emotion Distress

20. Defendant incorporates paragraphs 1-19 above.
21. Defendant denies the allegations of paragraph 21.
22. Defendant denies the allegations of paragraph 22.

COUNT 3

Assault and Battery

23. Defendant incorporates paragraphs 1- 22 above.
24. Defendant denies the allegations of paragraph 24.
25. Defendant denies the allegations of paragraph 25.
26. Defendant denies the allegations of paragraph 26.
27. Defendant denies the allegations of paragraph 27.

COUNT 4

Negligence and Negligence *Per Se*

28. Defendant incorporates paragraphs 1-27 above.
29. Answering paragraph 29, Defendant admits only that Plaintiffs were minors and at times, were under the supervision, care, and control of the Defendant. Defendant denies the remaining allegations of paragraph 29.

30. Defendant denies the allegations of paragraph 30.

AFFIRMATIVE DEFENSES

1. Defendant denies all allegations not expressly admitted above, including all allegations in Plaintiffs' prayer for relief.

2. Defendant alleges that the Complaint fails to state a claim upon which relief may be granted.

3. Plaintiffs are limited to recovery for damages/injuries proximately and actually caused by any proven fault of the Defendant.

4. Defendant alleges that Plaintiffs have failed to join indispensable parties who may be fully or partially at fault for Plaintiffs' alleged damages.

5. Defendant alleges Plaintiffs' claims, if any, are barred by the affirmative defenses of Duress, Laches, Waiver, *Res Judicata*, and/or Estoppel.

6. Defendant alleges that Plaintiffs' claims are barred by virtue of filing this Complaint as a *de facto* horizontal appeal.

7. Defendant reserves the right to allege the fault and negligence of any other party or any other person who is not presently a party, but who may be wholly or partially at fault for any of Plaintiffs' alleged injuries and damages.

8. Defendant has not yet had a reasonable opportunity to complete discovery. Because of the possibility that facts and circumstances may be discovered later, Defendant reserves the right to assert, and hereby incorporate by reference, all defenses contained in Rules 8 and 12, Fed. R. Civ. P. Defendant further alleges any other matter constituting an avoidance or affirmative defense, including A.R.S. §§ 12-820 through and including 12-821.01.

1 WHEREFORE, having fully defended, Defendant requests that this Court enter
 2 judgment in its favor on Plaintiffs' complaint, with prejudice and on the merits, that
 3 Plaintiffs take nothing by their claims, that Defendant be awarded her costs of suit and
 4 attorneys' fees—if and as appropriate—and that the Court grant Defendant such other and
 5 further relief as is deemed just and proper under the circumstances.
 6

7 JURY DEMAND

8 Defendants demand a jury on all issues triable with the maximum number of jurors
 9 permitted by law.

10 DATED this 27th day of April, 2023.

11
 12 **WRIGHT, WELKER & PAUOLE, PLC**

13 By /s/Kendall Steele
 14 Kendall D. Steele, Esq.
 15 Brett Steele, Esq.
 Attorneys for Defendant

16 CERTIFICATE OF SERVICE

17 I hereby certify that on April 27, 2023, I electronically transmitted the attached
 18 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
 19 Notice of Electronic Filing to the following CM/ECF Registrants:

20 Lynne M. Cadigan, Esq.
 21 Taylor W. Boren, Esq.
CADIGAN LAW FIRM, PLLC
 504 South Stone Avenue
 Tucson, AZ 85701
lmcadigan@cadiganlawfirm.com
tboren@cadiganlawfirm.com
 23 and
 24 John C. Manly, Esq.
MANLY, STEWART & FINALDI
 19100 Von Karman Avenue, Suite 800
 Irvine, CA 92612
jmanly@manlystewart.com
 26 Attorneys for Plaintiffs

27 /s/ Mandy Wyatt
 28